

**ANNUAL REPORT
OF THE
WATER RESOURCES
STUDY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

December, 1999

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1999

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WATER RESOURCES STUDY COMMITTEE

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Fiscal Analyst for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY DIRECTIVE

The Indiana General Assembly enacted legislation directing the Committee to do the following:

[S]tudy and may make recommendations concerning all matters relating to the surface and ground water resources of Indiana, including the following:

- (1) The usage, quality, and quantity of water resources.
- (2) Issues concerning diffused surface water, the common enemy doctrine of law, and runoff.

II. SUMMARY OF WORK PROGRAM

The Committee met twice during the 1999 interim. At the first meeting, held on September 20, 1999, the Committee heard a report concerning activities of the Department of Natural Resources (DNR) related to water usage, and from the Indiana Farm Bureau concerning drainage and other water-related concerns.

At the second meeting, held on October 20, 1999, the Committee heard a report from DNR concerning drought conditions, and received testimony concerning disposal of coal combustion waste (CCW) in mine shafts and its potential impact on groundwater.

III. SUMMARY OF TESTIMONY

At the first meeting, the Committee heard testimony from the following individuals:

- (1) James Hebenstreit, Assistant Director of DNR, described DNR's efforts to collect and track Indiana water usage data. Mr. Hebenstreit provided the Committee with examples of various reports assembled by DNR concerning water usage, and explained Indiana statutes concerning the use of water by significant water withdrawal facilities.
- (2) Bob Kraft, Indiana Farm Bureau, indicated that Farm Bureau members have significant concerns about runoff water from developments and the effectiveness of county drainage boards.
- (3) Tonya Galbraith, Indiana Association of Cities and Towns, stated that her association supported legislation that had been passed during the 1999 session concerning storm water management, and that storm water management must be looked at on a regional basis.
- (4) Mrs. Barnes, of Madison County, raised concerns about the adequacy of provisions being made for sewage from a 1,000 house development that is planned for rural Madison County.

At the second meeting, the Committee heard testimony from the following individuals:

- (1) Mr. Hebenstreit, who presented information concerning the drought situation in Indiana and its potential impact.

(2) Glenn Pratt, an environmental consultant, who urged the Committee to recommend the reintroduction of HCR 88-1999, which urged the governor to appoint a permanent water shortage task force. After discussion, the Committee decided not to recommend the resolution for reintroduction.

(3) Bill Hayden, who stated that current statutes allow the Natural Resources Commission to regulate water withdrawals from navigable streams, except for withdrawals by municipalities.

(4) Jeff Stant, Executive Director of the Hoosier Environmental Council (HEC), who raised concerns about CCW disposal in active mines and its impact on groundwater.

(5) Brian Wright, HEC, who presented a study that showed damage to groundwater and irrigation water near CCW sites around the United States.

(6) Charles Norris, a hydrologist working with HEC, who presented testimony concerning the damage caused by CCW to groundwater.

(7) Nat Noland, representing coal producers, who disagreed with the information presented by HEC.

(8) Dr. Bradley Paul, Southern Illinois University, who has conducted an eight-year study of a CCW mine-fill site, including the monitoring of on-site and nearby groundwater, and who has found no damage to the groundwater at the site or nearby.

(9) Deb Lawrence, DNR, who distributed copies of the preliminary rules concerning CCW disposal, and explained that DNR will require reports of groundwater monitoring at the disposal sites.

IV. COMMITTEE RECOMMENDATIONS

The Committee recommends that a joint meeting of the House and Senate Natural Resources committees be held in January to receive information from DNR concerning the updating of the 1994 water shortage plan.

WITNESS LIST

Mrs. Barnes, Madison County

Tonya Galbraith, Indiana Association of Cities and Towns

Bill Hayden, Indianapolis

James Hebenstreit, Assistant Director, Indiana Department of Natural Resources

Bob Kraft, Indiana Farm Bureau

Deb Lawrence, Indiana Department of Natural Resources

Nat Noland, Indianapolis

Charles Norris, Hoosier Environmental Council

Dr. Bradley Paul, Southern Illinois University

Glenn Pratt, Indianapolis

Jeff Stant, Executive Director, Hoosier Environmental Council

Brian Wright, Hoosier Environmental Council